

3/4/09

FMC

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
NORTHERN DIVISION

NO. 2:09-cr-9-BO (1)

UNITED STATES OF AMERICA )

v. )

BYRON JAVONNE DELOATCH )  
\_\_\_\_\_ )

I N D I C T M E N T

The Grand Jury charges that:

COUNTS ONE THROUGH THREE

(Mail Fraud)

1. Beginning in or around August 2001, and continuing up to and including the date of Indictment, within the Eastern District of North Carolina and elsewhere, the defendant, BYRON JAVONNE DELOATCH, engaged in a plan to defraud retailers and their credit card issuers out of approximately \$256,498.00 worth of merchandise.

2. In order to promote his plan, the defendant used fictitious business names to open approximately 14 accounts, and attempted to open approximately 40 more accounts, with multiple companies, including but not limited to, Lowes Home Improvement, Sam's Warehouse, and Wal-Mart.

3. Upon the opening of the business accounts, business credit cards were mailed to various addresses provided by the defendant in Virginia, Maryland, and North Carolina from GE Money Bank. GE Money Bank is a federally insured chartered savings bank, domiciled in Salt Lake City, Utah. GE Money Bank is contractually obligated to authorize, issue, and administer credit accounts for Lowes Home Improvement, Sam's Warehouse, Wal-Mart, and other businesses. All credit cards that are issued by GE Money Bank are mailed from the State of Nebraska.

4. Once the defendant received the credit cards, he purchased items from the retailers using the credit cards. The defendant then made several check payments on the accounts, and the amount of those checks credited to the account allowing the defendant to make additional purchases on the accounts. All of the check payments were returned as either non-sufficient funds, account closed, or no such account. By "kiting" the checks in such a manner, the defendant was able to make purchases on the accounts well above the established credit limits.

5. Beginning in or around August 2001, and continuing up to and including the date of Indictment, in the Eastern District of North Carolina and elsewhere, the defendant, BYRON JAVONNE DELOATCH, did devise and intend to devise a scheme and artifice to defraud and to obtain property by means of materially false

and fraudulent pretenses by opening business credit card accounts using fictitious business names and other fictitious information with the intent to defraud retailers and their credit card issuers.

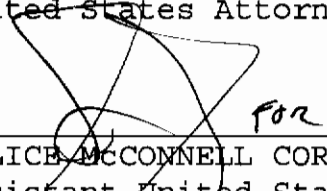
6. On or about each of the dates reflected below for each of Counts One through Three, in the Eastern District of North Carolina and elsewhere, the defendant, BYRON JAVONNE DELOATCH, for the purpose of executing, and attempting to execute, the above described scheme and artifice, knowingly caused to be placed in any post office and an authorized depository for mail matter, envelopes containing credit cards to be sent and delivered by the United States Postal Service and by any private or commercial interstate carrier from the State of Nebraska, said envelopes addressed to the businesses described below:

COUNT	DATE	ADDRESSEE
ONE	November 30, 2006	Goodyear Service Center Conway, NC
TWO	January 17, 2007	Countrywide Conway, NC
THREE	January 19, 2007	Video Network, Inc. Jackson, NC

Each count in the above table constituting a separate violation  
of Title 18, United States Code, Section 1341.



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